IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.672 OF 2006
IN
NOTICE OF MOTION NO. 391 OF 2006
IN
APPEAL (L) NO. 45 OF 2006
IN
NOTICE OF MOTION NO. 2525 OF 2005
IN
SUIT NO. 2365 OF 2005

Kanti Jain .. Applicant

V/s

M/s.Fulchand Exports & Anr. .. Respondents

Shri.M.Pillai for the Applicant.
Shri.N.S.Parte i/b. S.B.Prabhavalkar for Respondent No.1.

CORAM : DR.S.RADHAKRISHNAN &
S.J.VAZIFDAR, JJ.

DATE : 10TH MARCH, 2006.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned Counsel for Respondent No.1. By this Notice of Motion, the Applicant is seeking to set aside the order of dismissing for default of Notice of Motion No.391 of 2006 dated 28th February, 2006. Perused the Notice of Motion and the affidavit-in-support thereof. For the reasons stated in the affidavit-in-support of the Notice of Motion, sufficient cause is made out for restoring the Notice of Motion No.391 of 2006. There is no case of inaction, negligence or want of bonafide on the part of the Applicant. Hence, Notice of Motion is made absolute in terms of prayer clause(a).

(DR.S.RADHAKRISHNAN,J.)

(S.J.VAZIFDAR,J.)